



THE CITY OF KEY WEST

Licensing Division

P.O. Box 1409, Key West, FL 33041

PERMIT # _____

OPC PERMIT APPLICATION

\$30.00

BUSINESS REPRESENTING: _____

CITY BUSINESS LICENSE # _____

BUSINESS ADDRESS: _____

PHONE NUMBER OF BUSINESS: _____

NAME OF OPC APPLICANT: _____

HOME ADDRESS: _____

D/O/B _____ AGE _____ HEIGHT _____ WEIGHT _____

SOCIAL SECURITY # _____

PROOF OF CITIZENSHIP, RESIDENCE, WORK PERMIT: _____

I have read and agree to abide by the attached ordinance.

Applicant signature: _____ Date: _____

Business Owner Name: (print) _____

Business Owner Signature: _____ Date: _____

standard language for the sign in cooperation with the rental businesses and the community traffic safety program.
(Code 1986, § 63.34(b))

Sec. 18-383. Notice issued to customer.

Every person in the business of renting mopeds or scooters shall issue each customer a written notice. The notice shall be filled out in duplicate with the customer carrying the notice at all times while operating the moped or scooter, and the business maintaining a copy for at least 60 days after the completion of the rental. The notice may be included in a copy of the rental contract or may constitute a separate document. If the notice is contained in the contract, it shall be legible and published in bold print. The notice shall include the following information:

- (1) The renter has received instruction and training in accordance with the requirements of this article.
 - (2) The renter understands the potential dangers of operating a moped or scooter in the city and that no insurance coverage is provided for property damage or personal injury.
 - (3) The name, address and phone number of a person to be notified in case of accident.
 - (4) The renter's signature of acknowledgment.
- (Code 1986, § 63.34(c))

Sec. 18-384. Offer of helmet.

Every person in the business of renting mopeds or scooters to the public shall offer a bicycle helmet, certified for head injury protection, to the customer. In addition, such business shall require customers renting motor vehicles with a motor rated in excess of two brake horsepower and a displacement of 50 cubic centimeters or more to wear state-required motorcycle headgear. A failure to issue required headgear to a customer may result in business tax receipt revocation.
(Code 1986, § 63.34(d); Res. No. 06-292, § 1, 9-6-2006)

Sec. 18-385. Rear reflector.

Every person in the business of renting mopeds or scooters to the public shall equip the rear of each moped or scooter with an approved reflector that will serve to increase the visibility of the moped or scooter in traffic.
(Code 1986, § 63.34(e))

Sec. 18-386. Distribution of safety pamphlet.

The moped and scooter rental business shall distribute to renters a safety pamphlet to be devised in collaboration with the community traffic safety program (CTSP). The city manager shall resolve disputes between the rental businesses and the community traffic safety program in the writing of the pamphlet, and his determinations shall be final.
(Code 1986, § 63.34(f))

Secs. 18-387—18-410. Reserved.

**ARTICLE VIII. OFF-PREMISES
CANVASSING**

DIVISION 1. GENERALLY

Sec. 18-411. Title.

This article shall be known as the off-premises canvassing ordinance.
(Code 1986, § 94.01)

Sec. 18-412. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business means any commercial activity in which any real property, goods or services are sold or offered for sale, performance for lease, or for rent within the corporate city limits as defined by the Charter.

Edibles means any food or beverage intended for human consumption.

Goods means any tangible item, including edibles.

Historic district means all of that portion of the city located west of White Street between the Atlantic and Gulf of Mexico.

Off-premises canvassing means distribution of information or solicitation of customers on publicly owned property in connection with a business, excluding peddling as defined in section 18-541, activities licensed pursuant to article VI of this chapter pertaining to mobile vendors, and traditional costumed presentations as defined herein.

OPC means off-premises canvassing.

Sale means any trade or offer of trade for currency, credit, services, or goods.

Services means any work, attraction amenity or act rendered for sale.

Solid waste means garbage, rubbish, refuse, bulky items and other discarded solid or liquid materials, including materials resulting from industrial, commercial, agricultural and community activities.

Traditional costumed presentations means the appearance of performers, dressed in the same traditional costume worn during performance, on the sidewalk immediately abutting the licensed entertainment establishment at which the performance is presented. In order to be considered a traditional costume, the performer's garb must be readily identifiable by the general public as the characteristic garb worn by entertainers who performed at the same entertainment establishment in the historic district prior to 1987.

(Code 1986, § 94.02; Ord. No. 07-05, § 1, 6-19-2007)

Cross reference—Definitions generally, § 1-2.

Sec. 18-413. Penalty for violation.

Violations of this article shall be punishable by a civil fine up to \$500.00 and shall be enforceable as provided in article VI of chapter 2.

(Code 1986, § 94.09)

Sec. 18-414. Prohibited in certain locations.

No person shall engage in off-premises canvassing in the following locations:

- (1) Any publicly owned parking lot.

- (2) Mallory Dock, except that those artisans, vendors and performers authorized by the cultural preservation society to be present during the nightly sunset activities and participating in the drawing for the 60 available spaces administered by the society shall be exempt from the requirements of this article.

- (3) Any publicly owned beach or seawall or city-owned, state-owned, or federally owned right-of-way adjacent to any publicly owned beach or seawall.

(Code 1986, § 94.05)

Sec. 18-415. Restrictions in historic district.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Corner and *street corner* mean the sidewalk where two or more platted or public streets meet, overlap, intersect or bisect, and the adjoining sidewalk area or unpaved right-of-way area serving as a sidewalk, but not including the street, extending 25 feet in either direction.

Right-of-way includes but is not limited to the street, the sidewalk, the corner and the curb.

(b) Any person engaging in off-premises canvassing in the historic district shall abide by the following restrictions:

- (1) No off-premises canvasser may operate on the public right-of-way at the following prohibited streets or areas:
 - a. Duval Street.
 - b. Front Street.
 - c. Wall Street.
 - d. Exchange Street.
 - e. Fitzpatrick Street.
 - f. Tift Alley.
 - g. The area known as Clinton Square, including that portion of Whitehead Street between Front Street and a point one hundred feet south of

Greene Street, and including the portion of Greene Street from Whitehead Street to Front Street.

- h. The area known as the Key West Bight, including all city-owned leasehold properties, parking lots, streets, the Harbor Walk and docks.
- (2) When an off-premises canvasser stands on a permitted right-of-way, the off-premises canvasser shall remain at least ten feet away from any right-of-way prohibited in subsection (b)(1) of this section.
- (3) An off-premises canvasser may operate on a sidewalk so long as he remains within the area defined in subsection (a) of this section as a street corner. No off-premises canvasser shall operate on the street or other portion of the public right-of-way.
- (4) No two off-premises canvassers from the same business may operate within 100 feet of each other where both off-premises canvassers are located on public property.

(c) A violation of this section shall be prosecuted in accordance with section 1-15. A violation may also be prosecuted through proceedings before the special master or through any other lawfully available means including civil and injunctive relief.

(Code 1986, § 94.06; Ord. No. 05-01, § 1, 1-4-2005)

Secs. 18-416—18-440. Reserved.

DIVISION 2. PERMIT

Sec. 18-441. Required.

No person shall engage in off-premises canvassing unless the person holds a valid off-premises canvassing permit and fully conforms to the terms of this article.

(Code 1986, § 94.09)

Sec. 18-442. Limitations.

Any off-premises canvassing permit shall not be considered to be a business tax receipt or be equivalent to such license, nor to entitle the permit holder to rights provided in F.S. ch. 205. (Code 1986, § 94.08; Res. No. 06-292, § 1, 9-6-2006)

Sec. 18-443. Application; fee; issuance.

(a) Each person who engages in off-premises canvassing shall apply to the licensing office of the building department for an off-premises canvassing permit by submitting an application which shall set forth the name, the date of birth, the business represented, and the business address and telephone number. Proof of citizenship, permanent residence, or a work permit shall be required.

(b) A nonrefundable permit fee of \$30.00 must be paid at the time of the application.

(c) A photograph will be taken of each applicant and will be incorporated into the off-premises canvassing permit.

(d) The licensing office, upon receipt of a completed application and permit fee, shall verify that the business represented has a current business tax receipt from the city or another jurisdiction and upon such verification shall issue an off-premises canvassing permit. No off-premises canvassing permit shall be issued for a representative of an unlicensed business.

(e) Any off-premises canvassing permit issued under articles VI and X of this chapter and article VI of chapter 62 will be valid for purposes of this section until the expiration date stated on the permit.

(Code 1986, § 94.03; Res. No. 06-292, § 1, 9-6-2006)

Sec. 18-444. Transferability; limitation on number; renewal.

(a) The off-premises canvassing permit is non-transferable and shall be used only by the person in whose name it is issued. Any permit transfer shall render the permit void and ineffective. Any business sale, assignment whether voluntary or involuntary, or transfer of over 50 percent of the shares of any corporate business represented shall render the permit void and ineffective.

(b) A permit holder may represent more than one business at a time, but must obtain a separate off-premises canvassing permit for each business represented.

(c) No more than four off-premises canvassing permits will be issued per business.

(d) Off-premises canvassing permits are valid for one year from the date of issuance. An off-premises canvassing permit holder may obtain renewal each year by applying to the licensing office, updating the required information, and paying a renewal fee of \$30.00. Any off-premises canvassing permit not renewed prior to expiration shall be deemed void and of no further use and effect to any person.

(Code 1986, § 94.04)

Sec. 18-445. Conduct.

All off-premises canvassing permit holders shall comply with the following conditions while engaged in off-premises canvassing:

- (1) The off-premises canvassing permit holder shall wear the permit, including a photograph of the permit holder, located as on a shirt front pocket.
- (2) No off-premises canvassing permit holder shall obstruct vehicular traffic in violation of the provisions of F.S. ch. 316.
- (3) No off-premises canvassing permit holder shall place advertising materials upon any vehicle not belonging to the permit holder.
- (4) No off-premises canvassing permit holder shall throw, place or deposit solid waste on any street, sidewalk, or publicly owned

right-of-way unless such solid waste is advertising material and is bundled and ready for distribution.

(5) No off-premises canvassing permit holder shall interfere with or obstruct the free travel or passage of any pedestrian on the sidewalk.

(6) No off-premises canvassing permit holder shall distribute printed literature except upon request of an interested party.

(7) No off-premises canvassing permit holder operating on public property shall leave the area of operation without forfeiting his right to operate in a given area.

(Code 1986, § 94.07)

Sec. 18-446. Revocation or suspension.

(a) An off-premises canvassing permit may be suspended or revoked on any of the following grounds:

- (1) Fraud or misrepresentation of a material statement contained in the permit application.
- (2) Failure by permit holder to comply with sections 18-414 and 18-415 and this division.
- (3) Conduct by the permit holder in connection with the permitted business in a manner which creates a public nuisance or endangers the public health, safety or welfare.

(b) Upon one judicial or special master finding of a violation of the terms of sections 18-414 and 18-415 and this division or other pertinent federal, state, or local law by a person holding a valid off-premises canvassing permit, the city manager shall, after conforming with subsection (c) of this section, issue a written warning. Upon a second such judicial or special master finding the city manager shall impose a determinate suspension of the off-premises canvassing permit or revoke the off-premises canvassing permit. Upon three such judicial or special master findings regarding a particular business within one calendar year, the city manager may revoke all off-premises canvassing permits for the business involved.

Judicial findings of violation shall include pleas of nolo contendere and convictions, whether or not adjudication is withheld.

(c) Before reaching any decision under subsection (b) of this section, the city manager shall:

- (1) Afford to the permit holder or business, in the case of revocation of all permits for that business, notice of the violation charged and a reasonable, informal opportunity to be heard;
- (2) Consider the permit holder's or business', in the case of revocation of all permits for that business, past record of compliance with this article and related laws; and
- (3) Consider the degree of risk to the public health, safety, and peace arising from the violation in evidence.

(d) The city manager's decision shall be rendered in writing and shall include notice to the operator of a right to appeal the decision to the city commission within ten days thereof. Appeals not filed in writing with the city clerk within the period shall be deemed waived and shall not be heard by the city commission.

(e) Any off-premises canvassing permit revoked by the city manager pursuant to this section shall immediately be void and of no further use and effect to any person, including during the pendency of any appeal. Persons and businesses having off-premises canvassing permits revoked may reapply for new off-premises canvassing permits upon the expiration of a period of one year from the date of revocation.
(Code 1986, § 94.10)

ARTICLE IX. PAWNBROKERS AND METAL DEALERS*

DIVISION 1. GENERALLY

Sec. 18-476. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Foundry means an establishment which uses, casts, or consumes metal of any kind.

Metal dealer means a person who engages in the business of buying and selling gold, silver, or platinum.

Pawnbroker means any person whose business is to take or receive by way of pledge, pawn, or exchange any goods, wares, or merchandise or article of personal property whatsoever as security for money loaned thereon.

(Code 1986, § 106.01)

Cross reference—Definitions generally, § 1-2.

Sec. 18-477. Designation of officer or agent of corporation.

(a) If any dealer or foundry contemplated by this article is a corporation, such corporation shall file with the chief of police a written designation which shall be under the seal of such corporation and executed by its president and secretary, which designation shall state the name of the officer, agent, servant, or employee designated by such corporation to make and transact its purchases, trades, pawns and acquisitions from minors in the city, and no more than one person shall be so designated therein.

(b) No officer, agent, servant or employee of any such corporate dealer shall purchase, trade for, pawn, or acquire from any minor any second-hand jewelry, furniture, clothing, radio, musical instrument, pistol, revolver, one-hand firearm, blackjack, metallic knuckles, handcuffs, or other similar equipment used primarily by police officers and other secondhand goods, wares, merchan-

Secs. 18-447—18-475. Reserved.

*State law references—Secondhand dealers, F.S. ch. 538; pawnbrokers, F.S. ch. 539.